



7020-02

## **INTERNATIONAL TRADE COMMISSION**

**[Inv. No. 337-TA-883]**

### **Certain Opaque Polymers**

#### **Institution of investigation pursuant to United States Code**

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 20, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Rohm and Haas Company and Rohm and Haas Chemicals LLC, both of Philadelphia, Pennsylvania, and The Dow Chemical Company of Midland, Michigan. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain opaque polymers by reason of infringement of certain claims of U.S. Patent No. 6,020,435 (“the ’435 patent”), U.S. Patent No. 6,252,004 (“the ’004 patent”), U.S. Patent No. 7,435,783 (“the ’783 patent”), and U.S. Patent No. 7,803,878 (“the ’878 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-

1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2013).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on June 17, 2013, ORDERED THAT —

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain opaque polymers that infringe one or more of claims 1–5 of the '435 patent, claims 1 and 3–7 of the '004 patent, claims 1–8, 10–12, and 14 of the '783 patent, and claims 1–3 of the '878 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purposes of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Rohm and Haas Company

100 Independence Mall West

Philadelphia, PA 19106

Rohm and Haas Chemicals LLC

100 Independence Mall West

Philadelphia, PA 19106

The Dow Chemical Company

2030 Dow Center

Midland, MI 48674

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Organik Kimya San. ve Tic. A.Ş

Mimarsinan Mah. Cendere Yolu No: 146

Kemerburgaz 34075 Eyüp

Istanbul

Turkey

Organik Kimya Netherlands B.V.

Chemieweg 7, 3197 KC

Rotterdam – Botlek

Netherlands

Organik Kimya US, Inc.

200 Wheeler Road, 2nd Floor

Burlington, MA 01803

Turk International LLC

7960 B Soquel Drive # 411

Aptos, CA 95003

Aalborz Chemical LLC

d/b/a All Chem

2240 29th Street, SE

Grand Rapids, MI 49508

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of

time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

William R. Bishop

Supervisory Hearings and Information Officer

Issued: June 18, 2013

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